AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figure 4. This sheet, which includes Figure 4, replaces the original sheet including Fig. 4.

Attachment: Replacement Sheet

<u>REMARKS</u>

Applicant(s) express appreciation to the Examiner for the recent interview held with applicant(s) representative. As presented herein for reconsideration, the claims have been amended as proposed at the interview. Specifically, claims 1, 2, 4 – 6, 10 – 17, 19, 20 and 26 have been amended[1] and claims 3, 7 – 9, 18, 22 – 24, and 29 – 31 have been cancelled without prejudice. Thus, by this paper, claims 1, 2, 4 – 6, 10 – 17, 19, 21 and 25 - 28 are pending, of which claims 1 (directed to a method) and 16 (directed to a server computing system programmed to implement the method) are the independent claims.

As a preliminary matter, amendments to the specification and drawings have been made to correct certain typographical errors and to provide consistency as between the drawings and specification. In particular, typographical errors have been corrected as noted on pages 12 and 16 of the specification. Page 14 has been corrected so that the specification and Figure 4 of the drawings, in particular the reference numerals used for the matchmaking server and the arbitration server, are consistent with respect to one another. Entry of the corrections is respectfully requested.

Claims 6, 11 and 26 have been amended in the manner suggested by the Examiner in the Office Action to overcome the rejections under 35 U.S.C. § 112 second paragraph, as noted in paragraphs 4 and 6 of the Office Action.[2]

Claim 15 has been amended in the manner suggested by the Examiner so that it is directed to an executable computer program that is tangibly embodied on a computer readable medium, in order to overcome the rejection under section 101.

Independent claims 1 and 16[3] were also provisionally rejected on grounds of obviousness-type double patenting over commonly owned U.S. Pat. No. 7,367,888. Applicants have submitted with this response a Terminal Disclaimer, thus overcoming this rejection.

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[1] Any amendments to claims other than those which are expressly relied upon in overcoming the rejections on art have been made simply to insure consistency in claim language, to correct typographical or grammatical errors, or to correct other errors of a formal, non-substantive nature, but not to otherwise narrow the claims in scope for any reason.

[2] Claims 8 and 23 were also rejected under the second paragraph of section 112, but since those claims have been cancelled without prejudice, the rejections are at present moot.

[3] Independent claim 19 has been cancelled without prejudice; hence the rejection is at present moot.

Lastly, independent claims 1 and 16 (and depending claims 2, 4 – 6, 10 – 15, and 17, 19, 21 and 25 – 28, respectively) were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Pat. Pub. No. 2003/0050114 (Leen et al.) as further modified by U.S. Pat. No. 6,578,754 (Lavanchy et al.).[4]

As presented herein for reconsideration, the independent claims define a method for automatically arbitrating at an online game service a disputed outcome because of inconsistent game outcomes reported to the game service by a plurality of players, and a computer server system for executing the method. The method is used in a computing environment comprising an online game service and a plurality of online game players playing the game at remote client computers that are connected to the game service. As defined in the claims, the method comprises, at the beginning of an online game session and prior to beginning the game, requiring each of a plurality of players to register with an arbitration server at the game service so that in the event of any subsequent disconnect from the game session a record is retained at the game service of each player that agreed to play at the beginning of the game session irrespective of whether each player finished the game session. The game service then creates and stores a unique ID at the beginning of a game session for that session so that each registered player for that game session is identifiable as to that game session. At the conclusion of the online game session played by the plurality of registered players, reports are received at the gaming service from at least one or more of the registered players, with each report received from a registered player including results showing the outcome of the game session for all registered players, as perceived by the online game executed on said client computer of a registered player that submitted a report. The game service then automatically compares the results of all reports submitted to the game service to determine if any inconsistency exists in the outcome of the game session based on the results that were reported. If no inconsistency exists and if results are reported by all of the registered players, the game service then declaring the outcome of the game session based on a majority view as determined from each of the submitted reports. Otherwise, if either an inconsistency exists in the results that were reported or if not all of the initially registered for the game session submitted a report at the end of the game session, the arbitration server of the game service then applies a predefined set of arbitration rules using any previously determined trust

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[4] Since Lavanchy et al. qualifies as "prior" art, if at all, under 35 U.S.C. 102(e), applicants reserve the right to challenge the status of that reference as qualifying "prior" art. Accordingly, any statement or comment herein to the reference is made merely for purposes of argument, and assumes *arguendo* that such reference is proper qualifying prior art.

ratings stored at the game service for of any of the registered players to determine the official results for the game session, and thereafter updates at the game service a trust rating for each of the registered players, based on events relating to how the game was played by each registered player, irrespective of whether a report was submitted by a player or not.

Leen et al. describe a client system that provides enhanced services for a gaming application such as event management, statistics generation, user profiling, providing game advice, placing wages on games, and others. Leen et al. note that "online gaming suffers from many drawbacks. *Primary among these* is that current online gaming fails to allow players to compete for tangible prizes in *a secure environment that does not rely upon trust among the competitors*." ¶ [003] (Emphasis added). Leen et al. describes monitoring event information and keeping statistics regarding each of the players including which moves were made and the timing of each move made. The acquired statistics and profile information that is gathered "reveals not only characteristics associated with the outcome of a gaming application 114, but also characteristics associated with how particular players play a gaming application 114. A particular advantage of this sort of real-time statistics generation is that platform 106 may then present statistics information 154 to users of clients 102 during the execution of a gaming application 114. The users of clients 102 may then use statistics information 154 to determine strengths and weaknesses of an opponent or the user; to modify a playing strategy; or to offer or accept a wager. . . . Another advantage . . . is that . . . platform 106 may audit the execution of a gaming application 114 by a particular user by comparing any combination of event information 152, statistics information 154, and profile information 156 associated the user . . . [to] determine whether the user is playing a particular gaming application 114 at an expected skill level . . . [so as] to reveal cheating or other anti-competitive behavior." ¶¶ [0052-0053].

However, notably absent from Leen et al. is any teaching, either expressly or otherwise, of

> "at the beginning of an online game session and prior to beginning the game, the game service requiring each of a plurality of players to register with an arbitration server at the game service so that in the event of any subsequent disconnect from the game session a record is retained at the game service of each player that agreed to play at the beginning of the game session irrespective of whether each player finished the game session;

the game service creating and storing a unique ID at the beginning of a game session for that session so that each registered player for that game session is identifiable as to that game session;

at the conclusion of the online game session played by the plurality of registered players, receiving reports at the gaming service from at least one or more of the registered players, each report received from a registered player including results showing the outcome of the game session for all registered players, as perceived by the online game executed on said client computer of a registered player that submitted a report;

the game service then automatically comparing the results of all reports submitted to the game service to determine if any inconsistency exists in the outcome of the game session based on the results that were reported;

if no inconsistency exists and if results are reported by all of the registered players, the game service then declaring the outcome of the game session based on a majority view as determined from each of the submitted reports; and

otherwise, if either an inconsistency exists in the results that were reported or if not all of the initially registered for the game session submitted a report at the end of the game session, the arbitration server of the game service then

applying a predefined set of arbitration rules using any previously determined trust ratings stored at the game service for of any of the registered players to determine the official results for the game session; and

thereafter, updating at the game service a trust rating for each of the registered players, based on events relating to how the game was played by each registered player, irrespective of whether a report was submitted by a player or not." (Claims 1 and 16).

In a sense, Leen et al. actually teach away from a trust-based system, citing, as noted, such a trust-based system as a drawback to current systems that needed to be overcome.

Lavanchy et al. does not, either singly or combination, meet these claim limitations. Lavanchy et al. describes systems and methods by which players may be grouped into teams for selected sports and then for matching teams of players against one another. Col. 1. lines 58 – 64. Players then receive individual scores based on their own play, as well as team scores based on the play of their team mates. Col. 2 lines 4 – 7. While, as noted in the Office Action, Lavanchy
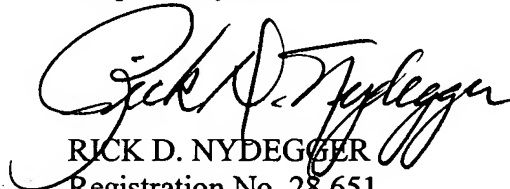
et al. describe how a player of a team may be determined to have become inactive and thus is disconnected from the game if a predetermined number of questions in succession (for example in a trivia game) go unanswered (Col. 12 lines 38 – 47), this is far different than arbitrating the outcome of a game based on disputed outcomes of the game reported from players, and based on other trust factors.

As noted in the Interview Summary, "the "proposed amendments appear to overcome the prior art rejection. . . ." Thus, for at least the foregoing reasons, the claims are patentable over the prior art and favorable reconsideration and allowance is respectfully requested.

In the event the Examiner finds any remaining impediment to allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 8th day of August , 2008.

Respectfully submitted,

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Title: ARBITRATION AND SERVER AND METHOD OF USING TO ARBITRATE ONLINE GAME RESULTS
Inventors: L. Chen, et al.
Docket No.: 13768.810.64   Serial No.: 10/766,591   Filing Date: January 28, 2004
ANNOTATED SHEET

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VPN
TUNNEL

GAME
CONSOLE

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INTERNET

VPN
TUNNEL

VPN
TUNNEL

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GAMING
SERVER

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GAMING
ENVIRONMENT

GAME
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FIG. 3A

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GAMING SERVER

GAMING SERVERS

FIG. 3B

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COMPETITION
DATABASE

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MATCHMAKING
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GAME
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GAME
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GAME
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GAME
CONSOLE

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FIG. 4